

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:22-cv-00162-MR**

<b>JOSHUA PIERRE PERKINS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>GASTON COUNTY JAIL, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
_____	)	

**THIS MATTER** is before the Court on its own motion on the return of mail sent by the Clerk to Plaintiff as undeliverable. [Docs. 5, 6].

Pro se Plaintiff Joshua Pierre Perkins (“Plaintiff”) filed this action on April 14, 2022, pursuant to 42 U.S.C. § 1983, against Defendants. [Doc. 1]. The docket in this matter reflects that Plaintiff’s current address is the Gaston County Jail, 425 Dr. MLK Jr. Way, Gastonia, North Carolina 28052. Recently, the Clerk of Court mailed Plaintiff copies of the Clerk’s Order of Instructions, an Order for Prisoner Trust Account Statement, and the docket sheet. [See 4/15/2022 Docket Entries (Court Only), Docs. 3, 4]. These documents were returned as undeliverable. [Docs. 5, 6]. The return stamps on the undelivered mail read: “RTS/ATW” and “Return to sender inmate no longer confined,” respectively. [Id.]. Plaintiff has not notified the Court of any

change in his address.

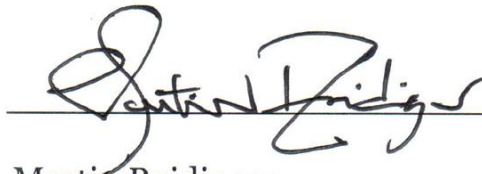
Plaintiffs have a general duty to prosecute their cases. In this regard, a pro se plaintiff must keep the Court apprised of his current address. See Carey v. King, 856 F.2d 1439, 1441 (9th Cir. 1988) (“A party, not the district court, bears the burden of keeping the court apprised of any changes in his mailing address.”). Where a pro se plaintiff has failed to notify the Court of his change of address, the action is subject to dismissal without prejudice for failure to prosecute. Accord Walker v. Moak, Civil Action No. 07-7738, 2008 WL 4722386 (E.D. La. Oct. 22, 2008) (dismissing without prejudice a § 1983 action for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure where the plaintiff did not notify the court of his new address upon his release from jail). Before dismissing this action for failure to prosecute, the Court will give Plaintiff fourteen (14) days in which to notify the Court of his updated address.

### **ORDER**

**IT IS, THEREFORE, ORDERED** that Plaintiff has fourteen (14) days from this Order to notify the Court of his new address. Plaintiff’s failure to timely notify the Court will result of dismissal of this action without prejudice and without further notice to Plaintiff.

**IT IS SO ORDERED.**

Signed: May 11, 2022

A handwritten signature in black ink, appearing to read "Martin Reidinger", is written over a horizontal line.

Martin Reidinger  
Chief United States District Judge

